IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (L) NO.281 OF 2005

The National Kannada Education Society & anr. .. .. Petitioners
v/s.
Municipal Corporation of Gr.Mumbai & ors. .. .. .. Respondents

Mr.Arvind Kothari for petitioners.

Ms.A.K.Savla for res.No.1.

Mr.M.P.Vashi for res.No.3.

W I T H

WRIT PETITION NO.426 OF 2005

Vandana S. Kamath. .. .. Petitioner
v/s.
Brihanmumbai Municipal Corporation & ors. .. .. Respondents

Mr.M.P.Vashi for the petitioner.

Ms.A.K.Savla for res.No.1.

Mr.Arvind Kothari for res.Nos.2 & 3.

CORAM : H.L. GOKHALE &
S.C.DHARMADHKARI, JJ.

DATED : 9TH MARCH 2005

P.C. :

1. Heard Mr.Kothari in support of this petition. Ms.Savla appears for respondent No.1 and Mr.Vashi for respondent No.3.

2. Respondent No.3 is a Clerk, who had been earlier working in the school run by the 1st petitioner-Education Society. This is a Kannada medium school. At one point of time, respondent No.3 was rendered surplus and, therefore, she was discontinued. Now, another Clerk, who was working in that school, is no longer working and, therefore, in that post of Clerk, which is available, the Superintendent, Private Primary Schools of the Municipal Corporation, has directed the petitioners to absorb respondent No.3 by an order dated 2nd August 2004. The grievance of the petitioners is that respondent No.3 does not know Kannada and that most of the students joining this school are having Kannada as their mother tongue. The Municipal Corporation in its letter dated 2nd August 2004 has specifically stated that the peons / clerks in the aided schools of the Municipal Corporation are not to be denied an absorption only on the basis of the language or medium or residence. A Clerk has nothing to do with the language of the school. She is not going to be a teacher of the school. She can certainly interact with the parents of the students of the school who are coming to the school for paying fees and

receiving receipts. There is no reason to interfere with the decision of the Municipal Corporation. Petition is dismissed.

3. Writ Petition No.426 of 2005 is a cross petition for implementation of the above Municipal Corporation's decision dated 2nd August 2004. In view of the order that we have passed in the above Writ Petition (Lodging) No.281 of 2005, this petition is granted in terms of prayer clause (a).

(H.L. GOKHALE, J.)

(S.C.DHARMADHIKARI, J.)